

GAHC010105462024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/1394/2024

MUKUL HUSSAIN @ BAPPI
S/O ABDUL MUNNAF ALI
R/O TAMAKUBARI, PART-I
P.S. BILASHIPARA,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S Z SHEIKH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 25.06.2024

1. Heard Mr. S.Z. Sheikh, learned counsel for the petitioner. Also heard Mr. R.R.

Kaushik, learned Additional Public Prosecutor for the State respondent.

2. This application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the petitioner, namely, Mukul Hussain @ Bappi who is apprehending his arrest in connection with Bilasipara P.S. Case No. 06/2024 registered under Sections 21(b) of NDPS Act.

3. The gist of the accusation in this case against the present petitioner is that on 08.01.2024, one FIR was lodged by one Ranaditya Doley at Bilasipara police station, *inter alia* alleging that from the house of the petitioner, six small size container containing suspected heroine were recovered.

4. The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. It is also submitted by the learned counsel for the petitioner that the containers containing contraband were not recovered from the house campus of the petitioner but the same were planted by one rag picker. He also submitted that the petitioner is ready to co-operative in the investigation, he may be allowed to go anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor has produced the case diary of Bilasipara P.S. Case No. 6/2024 and has submitted that there are materials in the case diary showing that the petitioner is involved in the offence alleged against in the FIR and the seized contraband was recovered from his house and there are independent seizure witness to prove the said fact.

6. I have considered the submissions made by learned counsel for both the sides and have also perused the materials available on record including the case diary of Bilasipara P.S. Case No. 06/2024.

7. On perusal of case diary, it appears that there are incriminating materials against the present petitioner available therein which does not justify to grant of a

favourable order in to the petitioner under Section 438 of Cr.P.C., 1973. Hence, the prayer for anticipatory bail application is hereby rejected.

8. Send back the case diary.

JUDGE

Comparing Assistant